

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
for Adoption of Policy and Process for
Acquisition of Incremental Core Gas Storage in
Compliance with Ordering Paragraph 5 of
Decision 04-09-022, And for Adoption of a Core
Reliability Planning Standard.

Application 05-03-001
(Filed March 2, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING NOTICE OF INTENT TO CLAIM COMPENSATION**

On July 5, 2005, The Utility Reform Network (TURN) filed its "Notice of Intent to Claim Compensation" (NOI) in the above-captioned proceeding filed by Pacific Gas and Electric Company (PG&E). No one filed a response to TURN's NOI.

Public Utilities Code Section 1804(a)(1) provides that "[a] customer who intends to seek an award under this article shall, within 30 days after the prehearing conference is held, file and serve on all parties to the proceeding a notice of intent to claim compensation."¹ The prehearing conference in this proceeding was held on June 2, 2005. TURN's NOI is timely filed.

Section 1804(a)(2) provides that a NOI is to include a statement of the nature and extent of the customer's planned participation in the proceeding, and an itemized estimate of the compensation that the customer expects to request.

¹ All code section references are to the Public Utilities Code.

TURN anticipates that it will participate actively in this proceeding, and that its interest “is to ensure that PG&E’s proposed additional storage for core customers provides cost-effective benefits to core and does not unfairly subsidize system reliability for noncore customers.” (NOI, p. 2.).

TURN provided an itemized estimate of the compensation that it expects to request in this proceeding. Assuming two days of hearing in this proceeding, TURN estimates its compensation at \$30,375. TURN states that the actual amount of any future request for compensation will depend upon the Commission’s ultimate decision in this case.

Section 1801.3(f) recognizes that the intervenor compensation provisions are to be “administered in a manner that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process,” and “that avoids unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented....” TURN states that it is the only party representing residential and small commercial customers in this proceeding. TURN also notes that its position on some of the issues may differ from that of the Office of Ratepayer Advocates, which represents the interests of all ratepayers.

Section 1804(a)(2)(B) provides that the NOI may include a showing by the customer that participation in the proceeding would pose a significant financial hardship. If such a showing is made, the Administrative Law Judge (ALJ), in consultation with the assigned Commissioner, is to issue a preliminary ruling addressing whether the customer will be eligible for an award of compensation.

In Decision (D.) 98-04-059 [79 CPUC2d 628] the Commission directed that if a ruling is issued as a result of the filing of a NOI, that the ALJ rule on whether the intervenor is a customer as defined in § 1802(b),² and which category of customer the intervenor represents. The type of customer category determines the standard of “significant financial hardship” that applies.³

TURN’s NOI at page 1 states that it is a “group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers.” TURN has previously submitted the relevant portion of its articles of incorporation in other Commission proceedings. TURN meets the definition of customer as defined in § 1802(b).

TURN has elected to rely on § 1804(b)(1) to make its showing of significant financial hardship in this proceeding. That subdivision provides in pertinent part:

² A “customer” is defined in §1802(b) to mean “any participant representing consumers, customers, or subscribers of any electrical, gas, telephone, telegraph, or water corporation that is subject to the jurisdiction of the commission; any representative who has been authorized by a customer; or any representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers, but does not include any state, federal, or local government agency, any publicly owned public utility, or any entity that, in the commission’s opinion, was established or formed by a local government entity for the purpose of participating in a commission proceeding.”

³ The “cannot afford to pay standard” applies to a participant who represents customers and to a representative authorized by one customer. For a group or organization authorized by its articles or bylaws to represent customers, the economic interest of the individual members of the group or organization must be small in comparison to the cost of effective participation in the proceeding. (79 CPUC2d at 650.)

“A finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in other commission proceedings commencing within one year of the date of that filing.”

TURN states that such a finding was made in Rulemaking 04-04-003 in a July 27, 2004 ruling. Since this proceeding was initiated within one year of that finding, that previous finding creates a rebuttable presumption of eligibility for compensation in this proceeding. Given that no one has responded to TURN's NOI to rebut the presumption of eligibility, TURN is presumed to be eligible for compensation in this proceeding.

IT IS RULED that:

1. The Utility Reform Network (TURN) has met the eligibility requirements of Public Utilities Code Section 1804(a), including the requirement that it establish significant financial hardship.
2. TURN is eligible to file a claim for an award of compensation in this proceeding.

Dated August 3, 2005, at San Francisco, California.

/s/ JOHN S. WONG

John S. Wong
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Notice of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated August 3, 2005, at San Francisco, California.

/s/ ERLINDA PULMANO

Erlinda Pulmano

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.